

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED
JUL 17 2006
ROBERT H. SHEWELL, CLERK
DEPUTY

United States District Court
Western District of Louisiana

UNITED STATES OF AMERICA

v.

ROBERT HERMAN THOMAS

AMENDED JUDGMENT IN A CRIMINAL
CASE

Case Number: 03-10022-02

USM Number: 11985-035

Walter Caldwell

Defendant's Attorney

THE DEFENDANT:

☒ was found guilty on counts 1, 2, and 4 of the Indictment after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Numbers</u>	<u>Date Offense Concluded</u>
18 U. S. C. § 371	Conspiracy to commit wire fraud	1	09/24/03
18 U. S. C. § 1343 & 2	Wire fraud	2	08/29/00
31 U. S. C. § 5324(a)(3)	Structuring	4	05/16/01

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ The defendant has been found not guilty on count 3 of the Indictment.

IT IS ORDERED that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and the United States attorney of any material change in the defendant's economic circumstances.

July 14, 2006

Date of Imposition of Judgment

Signature of Judicial Officer

DEE D. DRELL, United States District Judge

Name & Title of Judicial Officer

Date

7/17/06

DEFENDANT: ROBERT HERMAN THOMAS
CASE NUMBER: 03-10022-02

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **ninety-six (96) months**. This Term consists of terms of sixty (60) months on each of Counts 1 and 4 and a term of ninety-six (96) months on Count 2, with all counts to be served concurrently.

☒ The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ROBERT HERMAN THOMAS
CASE NUMBER: 03-10022-02

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **3 years**.

MANDATORY CONDITIONS (MC)

1. The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. The defendant shall not commit another federal, state, or local crime.
3. The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4. ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
5. ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
6. ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
7. ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
8. ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)
9. If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.
10. The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION (SC)

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ROBERT HERMAN THOMAS
CASE NUMBER: 03-10022-02

SPECIAL CONDITIONS OF SUPERVISION (SP)

- 1) In the event restitution is not paid prior to the commencement of supervision, defendant shall pay \$16,923.73 per month, beginning within 30 days of commencement of supervision.
- 2) In the event the fine is not paid prior to the commencement of supervision, defendant shall pay \$350 per month toward the fine, with payments to begin when restitution is paid in full. Payment of restitution shall take precedence over and be primary to the payment of the fine.
- 3) Defendant shall pay eighty (80%) percent of any state or federal income tax refund received during the period of supervision, to be applied to any unpaid court ordered monetary obligation.
- 4) Defendant shall provide financial information as requested by the U. S. Probation Officer within 45 days of such request.
- 5) Defendant shall not possess a firearm or other dangerous weapon.
- 6) Defendant shall immediately surrender his passport to the U. S. Marshal, if he has not already done so. He shall not apply for another passport.

DEFENDANT: ROBERT HERMAN THOMAS
CASE NUMBER: 03-10022-02

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 300.00	\$ 12,600.00	\$ 609,254.60

- ☒ The defendant must make restitution (including community restitution) to be remitted to the victims as outlined in the Presentence Report. Restitution is ordered jointly and severally with co-defendant William Thornhill, except as Pete Maltempi, which is the sole obligation of William Thornhill. Restitution is due within thirty (30) days of judgment.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- ☒ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
- ☒ The interest requirement is waived for the ☒ fine and ☒ restitution.

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- ☒ Payment to begin immediately with the assessment.
- ☒ Special instructions regarding the payment of criminal monetary penalties: If restitution and fine is not paid prior to supervision, defendant shall pay \$16,923.73 per month on the restitution and \$350 per month toward the fine beginning within 30 days of supervision. He shall pay 80% of any state or federal income tax refund received during the period of supervision, to be applied to any unpaid court ordered monetary obligation and shall provide financial information as requested by the U. S. Probation Officer within 45 days of such request.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Defendant	Co-Defendant	Case Number	Total Amount	Joint & Several Amount
Robert H. Thomas	William Thornhill	03-10022-01	\$609,254.60	\$609,254.60

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.